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**Jeremy M. Kissel**  
Admitted in DC and Florida

September 17, 2008

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**VIA ECFS**

**RE: Notice of Ex Parte Presentation; MB Docket Nos. 07-42 and 07-198**

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b), we electronically provide this notice of an ex parte presentation in the dockets listed above. On September 16, 2008, the following persons met with FCC Commissioner Deborah Taylor Tate and her Legal Advisor, Amy Blankenship:

Randy Brown, SVP, Affiliate Sales and Marketing, Outdoor Channel  
Gary Evans, CEO, Hiawatha Broadband  
John Goodman, Executive Director, Broadband Service Providers Association (BSPA).  
Dan Isett, Director of Public Policy, Parents Television Council  
Eric Keber, Government Affairs Manager, Western Telecommunications Alliance  
Jeremy M. Kissel, Cinnamon Mueller, Counsel for ACA  
Ross J. Lieberman, Vice President of Government Affairs, ACA  
Steve Pastorkovich, Business Development Director/Senior Policy Analyst, OPASTCO  
Thomas Steel, Vice President of Regulatory Affairs, RCN  
David S. Turetsky, Dewey & LeBoeuf, Counsel for HDNet

At the meeting, participants expressed their support for Commission action in the wholesale programming market rulemaking to address the various harms that result from the market abuses of programmers and broadcasters in their negotiations with multichannel video programming distributors (MVPDs), such as wholesale bundling. Independent programmers described how obligations on MVPDs to carry numerous undesired networks in exchange for the right to carry desired networks restrict the ability of independent programmers to gain and maintain carriage on capacity constrained systems. MVPDs, including small and competitive telecommunications operators, explained how wholesale programming practices raise their costs, harm their ability to compete, and erode resources available for the substantial capital and operating costs necessary to deploy broadband in their areas.

In order to address the numerous problems with the existing wholesale programming market, meeting participants were supportive of the American Cable Associations' proposal, as presented in their January 3, 2008 comments filed in MB Docket No. 07-198. It was explained that the Commission has the legal authority to implement the ACA recommendations. A handout detailing programmer affiliations was also handed out, and a copy of same has been attached to this ex parte.

Finally, during the meeting, the participants discussed the need for and encouraged adoption of Section 616 carriage complaint reform, and were supportive of the proposals previously presented by NAIN and others, as reflected in a June 5, 2008 ex parte filing in MB Docket No. 07-42. As explained, those proposals include a discussion on the need for reforms to the Commission's program carriage rules, including the institution of a "shot clock" for the adjudication of program carriage access complaints, the necessity of a clearer definition in the regulations of the prima facie case standard, the introduction of an anti-retaliation clause, and a "stay" preserving the status quo before the allegedly discriminatory retiering or other violation, until the complaint is decided (or dismissed for not stating a prima facie case).

Sincerely,



Jeremy M. Kissel

Enclosure

cc: Commissioner Deborah Taylor Tate  
Amy Blankenship  
Randy Brown  
John Goodman  
Dan Isett  
Eric Keber  
Ross J. Lieberman  
Steve Pastorkovich  
Thomas Steel  
David S. Turetsky

**CINNAMON MUELLER**

# Ownership Interests in Network Channels by Large Programmers

